

### REMARKS

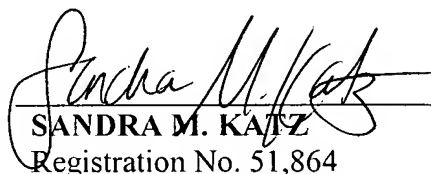
Claims 1-4 and 6 are presently pending in the application.

Claim 5, previously withdrawn from consideration in response to a Restriction Requirement, has been canceled. In the *Ex parte Quayle* Action, the Examiner maintains that the Restriction Requirement set forth in Paper No. 7 is proper and now final. The Examiner contends that the lack of unity is found to be proper since the inventions do not constitute a single inventive concept. Specifically, even though claim 1 recites the structural features of claim 2, which was previously allowable, the Examiner maintains that claim 5, directed to a method of using the polymer electrolyte fuel cell, does not recite or share the special technical features of claim 2. Accordingly, the Examiner has allowed claims 1-4 and 6 for the reasons set forth in Paper No. 7, and has closed prosecution on the merits. While not necessarily agreeing with the Examiner's conclusion, Applicants have canceled claim 5 to place the application in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

February 5, 2004  
(Date)

By:

  
**SANDRA M. KATZ**  
Registration No. 51,864

**AKIN GUMP STRAUSS HAUER & FELD LLP**  
One Commerce Square  
2005 Market Street, Suite 2200  
Philadelphia, PA 19103-7013  
Telephone: 215-965-1200  
**Direct Dial: 215-965-1344**  
Facsimile: 215-965-1210  
E-Mail: skatz@akingump.com